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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/708,673	Applicant(s) LU, JIANBO ✓	
	Examiner Melody M. Burch	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/18/04</u> <u>5/15/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species III in the reply filed on 2/28/05 is acknowledged.

Information Disclosure Statement

2. The information disclosure statement filed 6/14/04 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. Examiner is specifically referring to references: DE-3625025, DE-4224887, and EP-0295396. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

3. Claims 1-43 are objected to because of the following informalities: the phrase "a trailer" including but not limited to in line 3 of claim 1 should be changed to –the trailer— to refer back to the previously recited trailer. A similar issue exists with the phrase 'a reverse direction signal in lines 1-2 of claim 3. The list is not intended to be exhaustive. The remaining claims are objected to due to their dependency from the independent claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 39-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "the reverse directional signal" in line 4 of claim 39 and "the reverse direction signal" in lines 3-4 of claim 40 lack proper antecedent basis in the claims. A similar issue exist in claims 41 and 42.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5120114 to Schlichenmaier et al.

Schlichenmaier et al. disclose in col. 2 lines 28-37 a method of controlling a vehicle and a trailer comprising: determining a presence of a trailer and applying brake steer to the vehicle in response to the trailer to enhance control of the trailer relative to the vehicle.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Schlichenmaier et al. in view of EP-0253964 (EP'964).

Schlichenmaier et al. fail to include the limitation of generating a reverse direction signal of the vehicle and applying brake steer in response to the reverse direction signal.

EP'964 teaches in the last 7 lines of the abstract the limitation of generating a reverse direction signal of the vehicle and applying brake steer in response to the reverse direction signal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of controlling the vehicle of Schlichenmaier et al. to have included effecting brake steer in response to a generated reverse direction signal, as taught by EP'964, in order to provide a means of triggering the control of the vehicle-trailer combination.

10. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of EP-0253964 (EP'964) as applied to claim 2 and further in view of US Patent 6112845 to Oyama et al.

Schlichenmaier et al., as modified, fail to include the limitation of generating the reverse direction signal from a shift lever or a transmission controller.

Oyama et al. teach in col. 4 the limitation of a reverse detecting unit 18

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generating a reverse direction signal from a shift lever or a transmission controller (position of transmission gears).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the reverse direction signal of Schlichenmaier et al. to have been derived from a shift lever or a transmission controller, as taught by Oyama et al., in order to provide a functionally equivalent means of providing vehicle travel direction information.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of EP-0253964 (EP'964) as applied to claim 2 and further in view of US Patent 4372407 to McColl.

Schlichenmaier et al., as modified, fail to include the limitation of generating the reverse direction signal from a push button.

McColl teaches in col. 8 lines 66-67 the limitation of a reverse direction signal being generated from a push button.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the reverse direction signal of Schlichenmaier et al. to have been derived from a push button, as taught by McColl, in order to provide a functionally equivalent means of providing vehicle travel direction information.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of EP-0253964 (EP'964) as applied to claim 2 and further in view of JP-2003-191774 (using US 2005/0027402 to Koibuchi et al. as an English equivalent).

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Schlichenmaier et al., as modified, fail to include the limitation of generating the reverse direction signal from a wheel speed sensor.

Koibuchi et al. teach in paragraph [0256] the limitation of a reverse direction signal being generated from a push button.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the reverse direction signal of Schlichenmaier et al. to have been derived from a wheel speed sensor, as taught by Koibuchi et al., in order to provide a functionally equivalent means of providing vehicle travel direction information.

13. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 6842683 to Kim.

Schlichenmaier et al. fail to include the limitation of applying brake steer comprises applying at least one brake at a first wheel to reduce a vehicle turning radius. Kim teaches in col. 2 lines 47-52 the limitation of applying brake steer comprises applying at least one brake at a first wheel to reduce a vehicle turning radius.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of controlling the vehicle of Schlichenmaier et al. to have included applying brake steer comprises applying at least one brake at a first wheel to reduce a vehicle turning radius, as taught by Kim, in order to provide a means of improving vehicle stability.

14. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 5307888 to Urvoy.

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Schlichenmaier et al. fail to include the limitation of applying brake steer comprises applying an increased drive torque to a second wheel relative to a first wheel.

Urvoy teaches in col. 1 lines 19-23 the limitation of applying brake steer comprises applying an increased drive torque to a second wheel relative to a first wheel.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of controlling the vehicle of Schlichenmaier et al. to have included applying an increased drive torque to a second wheel relative to a first wheel, as taught by Urvoy, in order to provide a means of improving vehicle stability.

15. Claims 9, 17, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 5709435 to Wood.

Schlichenmaier et al. are silent with regards to the limitation of applying a trailer brake and a vehicle brake.

Wood teaches in col. 5 lines 16-19 the limitation of applying a trailer brake and a vehicle brake.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of controlling the vehicle of Schlichenmaier et al. to have included applying a trailer brake and a vehicle brake, as taught by Wood, in order to provide a means of improving vehicle stability by helping to prevent jackknifing.

16. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 6804597 to Posselius et al.

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Schlichenmaier et al. lack the limitation of determining the presence of a trailer with a hitch sensor.

Posselius et al. teach in col. 4 lines 50-53 the limitation of a hitch sensor 22 for determining the presence of a trailer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of controlling the vehicle of Schlichenmaier et al. to have included a hitch sensor, as taught by Posselius et al., in order to provide a means of determining the presence and more specifically the orientation and location of a trailer.

17. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 5455557 to Noll et al.

Schlichenmaier et al. lack the limitation of determining the presence of a trailer with a reverse aid or ultrasonic sensor.

Noll et al. teach in col. 4 lines 2-6 the limitation of an ultrasonic sensor (Applicant notes that the reverse aid sensor is an ultrasonic sensor) for determining the presence of a trailer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of controlling the vehicle of Schlichenmaier et al. to have included an ultrasonic or reverse aid sensor, as taught by Noll et al., in order to provide a means of determining the presence and more specifically the orientation and location of a trailer.

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18. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of JP-2002-12172 (JP'172).

Schlichenmaier et al. lack the limitation of determining the presence of a trailer with a camera or a manually activated mechanism.

JP'172 teaches in lines 3-4 from the bottom of the solution section the limitation of a camera for determining the presence of a trailer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of controlling the vehicle of Schlichenmaier et al. to have included a camera or manually activated mechanism, as taught by JP'172, in order to provide a means of determining the presence and more specifically the orientation of a trailer.

19. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 6804597 to Traechtler.

Schlichenmaier et al. lack the limitation of determining the presence of a trailer with a harness current.

Traechtler teaches in col. 8 lines 3-4 the limitation of using harness current for determining the presence of a trailer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of controlling the vehicle of Schlichenmaier et al. to have included the use of harness current, as taught by Traechtler, in order to provide a means of determining the presence of a trailer.

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20. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 5709435 to Wood as applied to claim 17 above, and further in view of EP-0253964 (EP'964).

See the rejection of claim 2.

21. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 5709435 to Wood and EP-0253964 (EP'964), as applied to claim 18 above, and further in view of Oyama et al.

See the rejection of claims 3 and 5.

22. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 5709435 to Wood and EP-0253964 (EP'964), as applied to claim 18 above, and further in view of McColl.

See the rejection of claim 4.

23. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 5709435 to Wood and EP-0253964 (EP'964), as applied to claim 18 above, and further in view of Koibuchi et al.

See the rejection of claim 6.

24. Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 5709435 to Wood as applied to claim 17 above, and further in view of Posselius et al.

See the rejection of claim 10.

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25. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 5709435 to Wood as applied to claim 17 above, and further in view of Noll et al.

See the rejection of claims 11 and 12.

26. Claims 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 5709435 to Wood as applied to claim 17 above, and further in view of JP-2002-12172 (JP'172).

See the rejection of claims 13 and 15.

27. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 5709435 to Wood as applied to claim 17 above, and further in view of Traechtler.

See the rejection of claim 14.

28. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of US Patent 5709435 to Wood as applied to claim 17 above, and further in view of Kim.

See the rejection of claim 16.

29. Claims 31, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of Kim.

See the rejection of claim 7.

30. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of Kim as applied to claim 31 above and further in view of Posselius et al.

See the rejection of claim 10.

31. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of Kim as applied to claim 31 above and further in view of Noll et al.

See the rejection of claims 11 and 12.

32. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of Kim as applied to claim 31 above and further in view of JP-2002-12172 (JP'172).

See the rejection of claim 13.

33. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of Kim as applied to claim 31 above and further in view of Urvoy.

See the rejection of claim 8.

34. Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of Kim as applied to claim 31 above and further in view of US Patent 5747683 to Gerum et al.

Schlichenmaier et al. lack the limitation of a response to the reverse signal direction signal and the steering wheel angle signal and yaw rate signal.

Gerum et al. teach in figure 1 the use of a control mechanism including reverse directional signal (from wheel speeds) and steering wheel angle signal inputs as shown.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the inputs into the controller of Schlichenmaier et

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al., to have included control based on a reverse directional signal and steering wheel angle signal, as taught by Gerum et al., in order to provide a means of achieving increased vehicle stability based on particular vehicle dynamic characteristics.

35. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of Kim as applied to claim 31 above and further in view of US Patent 6017101 to Matsuda.

Schlichenmaier et al. lack the limitation of a response to the reverse signal direction signal and the steering torque signal.

Matsuda teaches in the figure on the front of the patent the use of a control mechanism including reverse directional signal (from wheel speeds) and steering torque signal inputs as shown.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the inputs into the controller of Schlichenmaier et al., to have included control based on a reverse directional signal and steering torque signal, as taught by Matsuda, in order to provide a means of achieving increased vehicle stability based on particular vehicle dynamic characteristics.

36. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of Kim as applied to claim 31 above and further in view of US Patent 5747683 to Gerum et al. and US Patent 5480221 to Morita et al.

Schlichenmaier et al. lack the limitation of a steering wheel angle signal, a vehicle velocity signal, and a reverse direction signal.

Gerum et al. teach in figure 1 the use of a control mechanism including reverse directional signal (from wheel speeds) and steering wheel angle signal inputs as shown.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the inputs into the controller of Schlichenmaier et al., to have included control based on a reverse directional signal and steering wheel angle signal, as taught by Gerum et al., in order to provide a means of achieving increased vehicle stability based on particular vehicle dynamic characteristics.

Morita et al. show in the figure on the front of the patent a vehicle velocity sensor 73 as an input into a braking controller 71.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the inputs into the controller of Schlichenmaier et al., to have included control based on a vehicle velocity sensor and signal, as taught by Morita et al., in order to provide a means of achieving increased vehicle stability based on particular vehicle dynamic characteristics.

37. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlichenmaier et al. in view of Kim as applied to claim 31 above and further in view of US Patent 5005130 to Breen et al.

Schlichenmaier et al. lack the limitation of a means to determine trailer position.

Breen et al. disclose in col. 9 lines 25-27 the limitation of using trailer position as a control parameter.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the inputs into the controller of Schlichenmaier et

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al., to have included control based on a reverse directional signal and steering wheel angle signal, as taught by Breen et al., in order to provide a means of achieving increased vehicle stability based on particular vehicle dynamic characteristics.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 15, 2005

Melody M. Burch
5/15/05